

**REMARKS / ARGUMENTS**

Pending claims 1-16 stand rejected and are also objected to. In view of the following discussion, the applicants submit that all pending claims are in condition for allowance.

At page 4 of the Office Action, the Examiner rejected claim 1 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 8 of U.S. Patent No. 6,855,710 and over claim 2 of U.S. Patent No. 7,169,936. Enclosed herewith are suitable terminal disclaimers overcoming the rejections. Applicants request the rejections be withdrawn.

At page 4 of the Office Action, the Examiner provisionally rejected claim 1 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 5 of copending Application No. 11/470,716. Enclosed herewith is a suitable terminal disclaimer overcoming the provisional rejection. Applicants request the rejection be withdrawn.

At page 4 of the Office Action, claims 1-16 were objected to for containing nonelected subject matter. The applicants respectfully traverse the objection. In the Response to the election/restriction requirement filed February 26, 2007, the applicants elected invention Group I, which encompass claims 1-16, including R<sup>3</sup> and R<sup>4</sup> groups that are substituted or unsubstituted phenyl groups. Additionally, the elected single compound in the Response to the election/restriction requirement, 3-Z-[1-(4-(N-(3-dimethylamino-propyl)-N-acetyl-amino)-anilino)-1-phenyl-methylene]-6-cyano-2-indolinone, contains a substituted phenyl at group R<sup>4</sup>, thus implicating substituted phenyl groups in addition to unsubstituted phenyl groups as elected subject matter. Furthermore, the specification enables compounds where R<sup>3</sup> and R<sup>4</sup> are substituted phenyls. Accordingly, the applicants respectfully request the Examiner to indicate the scope of the elected subject matter includes compounds where R<sup>3</sup> and R<sup>4</sup> are substituted or unsubstituted phenyls and withdraw the objection.

Applicants submit that all claims pending in the patent application are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issuance are earnestly solicited. In the event there are any fees due and owing in connection with this matter, please charge same to our Deposit Account No. 11-0223.

Respectfully submitted,

Dated: September 24, 2007

By: s/Timothy X. Gibson/  
Timothy X. Gibson  
*Attorney for Applicant(s)*  
Reg. No. 40,618

Patent Department  
Boehringer Ingelheim Corp.  
900 Ridgebury Road  
P.O. Box 368  
Ridgefield, CT 06877  
Tel.: (203) 798-4868